IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL APPEAL NO. 27 OF 2003.

Shri Saji Papu Kumar,
r/o Saji Bhavan, Mannar,
District P.O. Allappey
Eramathoor, Kerala,
presently in judicial
custody, Central Jail,
Aguada. ... Appellant.

Versus

State of Goa through
Public Prosecutor. ... Respondent.

Mr. V.A. Lawande, Advocate for the Appellant.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent.

Coram : P.V. HARDAS, J.

Date : 12th June 2003.

ORAL ORDER.

The appellant/original accused being aggrieved by the Order, dated 26th March 2003, passed by the Additional Sessions Judge, Mapusa, in Sessions Case No. 15 of 2002, has filed the present appeal. By the Order impugned in the present appeal, the learned trial Court had declined to cancel the non-bailable warrant issued against the appellant.

2. The appellant had been granted bail by this Court, by Order, dated 8th March 2002, on conditions, one of which was that the appellant shall not leave the State of Goa without the prior permission of the trial Court.

3. In his plea for cancellation of non-bailable warrant the appellant contended that he had to rush to Kerala on the night of 29th January 2003 on account of the critical condition of his father conveyed to him telephonically. The father of the appellant was hospitalised on 2nd February 2003 and was discharged on 4th February 2003. The appellant left Kerala for Goa on 1st February 2003 and was arrested by the police in connection with an offence punishable under Section 489(B) and (C) of the Indian Penal Code.

4. The learned trial Court, in paragraph 4 of the Order, has held that the plea of the accused that his father was seriously ill appears doubtful as the accused has not been able to account for his conduct in leaving Kerala for proceeding to Goa on 1st February, when his father was allegedly seriously ill at Kerala. The learned trial Court has also observed that the accused has not filed any documents regarding the illness of his father. Ultimately, the learned trial Court, in paragraph 5 of the Order,has held:- "the case of accused that he had to rush to Kerala on account of alleged critical condition of his father is rather unbelievable and casts serious doubt on the conduct of the accused to leave the State of Goa without prior permission of this Court."

5. I have heard the learned counsel for the appellant. Even before this Court, no documents regarding the illness of the father of the appellant were produced. The trial Court has rightly rejected the contention of the appellant that he had to rush to Kerala to attend his seriously ill father. The trial Court has rightly declined to cancel the non-bailable warrant and has called upon the accused to deposit the forfeited bond amount. The appeal is devoid of any merit and as such the appeal is dismissed.

(P.V. HARDAS)
JUDGE.

ed's.